



Norman H. Bangerter
Governor
Dee C. Hansen
Executive Director
Dianne R. Nielson, Ph.D.
Division Director

State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

DOGMI
MINERALS PROGRAM
FILE COPY

January 28, 1991

CERTIFIED RETURN RECEIPT
P 074 978 811

Mr. Joseph LaStella
P. O. Box 570
Spanish Fork, Utah 84660

Dear Mr. LaStella:

Re: BLM Notice of Noncompliance, Sno-Ben #2, Uintah County, Utah, Division of Oil, Gas and Mining File #S/047/048, Uintah County, Utah

In February of 1990, the Division became aware of a Plan of Operations for the above-referenced mine site filed by you with the BLM office in Vernal. In April 1990, the Division received copy of the March 2, 1990, BLM Notice of Noncompliance decision for your failure to comply with BLM requests to amend your notice and remove your house trailer from the site. That BLM registered letter to you was unclaimed and a second registered letter was sent in July 1990. The second letter also went unclaimed.

In June 1990, the Division sent a registered letter to you (copy enclosed) requesting reclamation of the site by compliance with the BLM's requests, which also went unclaimed. In August 1990, a joint inspection of the Sno-Ben #2 site was performed by Division and BLM personnel to document the current status of the site.

Recent correspondence copied to the Division by the BLM indicates that you have now established a record of noncompliance and furthermore, the BLM requests that you reclaim the site within 30 days of receipt of their letter or they will conduct the reclamation and initiate legal procedures to collect the expense from you.

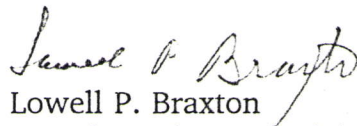
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Joseph LaStella
S/047/048
January 28, 1991

At this time, the Division hereby directs you to fully reclaim the mine site by complying with the BLM's directives no later than 60 days from the date of this letter. If you fail to reclaim the mine site, the Division will initiate a Notice of Agency Action which may result in an issuance of an emergency Board Order which would require you to appear before the Board of Oil, Gas and Mining, and indicate why the State should not require immediate and complete reclamation of the mine site. In addition, pursuant to Rule R613-003-111, the Board of Oil, Gas and Mining, may after notice and hearing, order that: 1) Reclamation be conducted by the Division; and 2) the costs and expenses of reclamation, together with costs of collection, including attorney's fees, be recovered in a civil action brought by the Attorney General against the operator in any appropriate court.

Under the Utah Mined Land Reclamation Act, Title 40, Chapter 8, Section 40-8-9, (1)(a) "Any person, owner, or operator who willfully or knowingly evades this chapter ... is guilty of a misdemeanor and, upon conviction is subject to a fine of not more than \$10,000 for each violation. (b) Each day of willful failure to comply with an emergency order is a separate violation," (refer to attachment).

Please contact myself or Wayne Hedberg, Minerals Reclamation Supervisor, if you have any questions regarding the content and/or requirements of this letter.

Sincerely,


Lowell P. Braxton
Associate Director, Mining

jb
Attachment
cc: Pete Sokolosky, BLM, Vernal RA
Tom Mitchell, Assistant Attorney General
Minerals Staff
S047048.1



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355 West North Temple
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801-538-5340

June 6, 1990

CERTIFIED RETURN RECEIPT REQUESTED
P 074 978 678

Mr. Joseph LaStella
P.O. Box 570
Spanish Fork, UT 84660

Dear Mr. LaStella:

Re: BLM Notice of Noncompliance, Sno-Ben #2, Uintah County, Utah, Division of Oil,
Gas & Mining File # S/047/048

The Division has been notified that a Notice of Noncompliance was issued to you by the BLM regarding the Sno-Ben #2 mining operation. Our files show a Mr. William Ihrig of Overlook Limited as the operator of this operation since August 19, 1988. The Division has record of letters to Mr. Ihrig requesting that a Small Mining Notice of Intent (NOI) be filed and also the submission of Annual Reports since the August 1988 date.

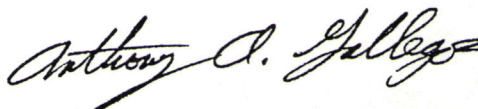
To date, the Division has not received an application for nor have we issued a mine permit for the Sno-Ben operation. Information from the BLM indicates that you resumed operations at this site in 1989 and are now considered the principal operator. Although an NOI has not been filed for this project, you as the operator are still subject to all pertinent state and federal mining rules and regulations.

Pursuant to Rule R613-003-111, if the operator of a small mining operation fails or refuses to conduct reclamation as required by the Utah Mined Land Reclamation Act of 1975 and the Minerals Rules, the Board of Oil, Gas and Mining may, after notice and hearing, order that: 1) Reclamation be conducted by the Division; and 2) The costs and expenses of reclamation, together with costs of collection, including attorney's fees, be recovered in a civil action brought by the attorney general against the operator in any appropriate court.

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Joseph LaStella
S/047/048
June 6, 1990

The Division concurs with the BLM requirements as outlined in their March 30 and April 30, 1990 letters to you. Should you refuse to comply with the BLM directives or fail to come into compliance with the state mining regulations, then this Division will be forced to issue a Show Cause Order. This order would require that you appear before the Board of Oil, Gas and Mining at a scheduled hearing and indicate why the State should not require immediate reclamation of the mine site disturbances. Please contact us should you have questions or concerns regarding the content and/or requirements of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony A. Gallegos". The signature is fluid and cursive, with the first name "Anthony" and last name "Gallegos" clearly distinguishable.

Anthony A. Gallegos
Reclamation Engineer

jb
cc: Paul Andrews, Book Cliffs RA, BLM
Lowell Braxton, DOGM
WMN/1-2